

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DENISE ESTES

*

*

v.

* Civil No. JFM-14-264

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MICHAEL RIDINGER INSURANCY
AGENCY, ET AL

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MEMORANDUM

This action was initially instituted in the Court of Common Pleas of Crawford County, Pennsylvania. The action was removed to this court on the ground that plaintiff was asserting a claim under the Employment Retirement Income Security Act and that a federal question was therefore presented.

The record now makes clear that plaintiff is alleging that defendant never implemented a retirement benefit plan. Therefore, ERISA does not apply and the case was improperly removed. Accordingly, plaintiff's motion to remand the case to the Court of Common Pleas of Crawford County, Pennsylvania will be granted. Of course, once the case is remanded, plaintiff may only recover any damages permitted under Pennsylvania law for an at-will employee who is not covered by a retirement benefits plan.

Date: January 7, 2015

/s/ J. Frederick Motz

J. Frederick Motz

United States District Judge